

REMARKS

This responds to the Final Office Action mailed on July 8, 2009.

No claims are amended or cancelled. Claims 1-5 and 7-20 remain pending in this application.

§ 103 Rejection of the Claims

Claims 1, 5, 7, and 9-18 are rejected under 35 U.S.C. § 103(a) as being obvious over Thoren (U.S. 4,149,542) in view of Helland et al. (U.S. 5,318,572; hereinafter "Helland").

Claims 1, 5, 7, 9, and 10

Applicant traverses the obviousness rejection of claim 1. Applicant believes claim 1 is not obvious in view of the cited references since, even if combined, the combination does not include or suggest each limitation recited in the claim. For instance, Applicant cannot find in the cited combination: wherein the outer surface of the lead body is adapted such that a layer of blood cells is formed on the outer surface when exposed to a bloodstream, as recited in claim 1.

In contrast, Thoren discusses a lead with a side component 5 which is receptive to tissue ingrowth and Helland discusses a lead with the electrode tip having spheroidal particles 70 for chronic ingrowth of tissue. (Col. 6, lines 5-8). Neither reference discusses "a lead body adapted such that a layer of blood cells is formed on the outer surface when exposed to a bloodstream," as recited in claim 1.

Claims 5, 7, 9, and 10 include each limitation of their parent claim and are also not obvious in view of the cited references. Reconsideration and allowance is respectfully requested.

Claims 11-16

Applicant believes claim 11 is not obvious in view of the cited references since the combination does not include or suggest each limitation recited in the claim. For instance, Applicant cannot find in the combination: wherein the lead body has a textured outer surface adapted to form a layer of blood cells on the outer surface when exposed to a bloodstream so as to passively prevent formation of clots on the outer surface, as recited in claim 11.

As discussed above, the references, both singly, and in combination do not include such subject matter.

Claims 12-16 include each limitation of their parent claim and are also not obvious in view of the cited references. Reconsideration and allowance is respectfully requested.

Claims 17 and 18

Applicant believes claim 17 is not obvious in view of the cited references since the combination does not include or suggest each limitation recited in the claim. For instance, Applicant cannot find in the combination: wherein means for passively preventing clots on the lead body includes forming the lead body such that a layer of blood cells is formed on an outer surface of the lead body when exposed to a bloodstream, as recited in claim 17.

As discussed above, the references, both singly, and in combination do not include such subject matter.

Claim 18 includes each limitation of its parent claim and is therefore also not obvious in view of the cited references. Reconsideration and allowance is respectfully requested.

Claims 1, 5, 7, and 9-18 are rejected under 35 U.S.C. § 103(a) as being obvious over Thoren in view of Helland and in view of Macgregor (U.S. 4,280,514).

Claims 1, 5, 7, 9, and 10

Applicant traverses the obviousness rejection of claim 1. Applicant believes claim 1 is not obvious in view of the cited references since, even if combined, the combination does not include or suggest each limitation recited in the claim. For instance, Applicant cannot find in the cited combination: wherein the outer surface of the lead body is adapted such that a layer of blood cells is formed on the outer surface when exposed to a bloodstream, as recited in claim 1.

As discussed above, Thoren discusses a lead with a side component 5 which is receptive to tissue ingrowth and Helland discusses a lead with the electrode tip having spheroidal particles 70 for chronic ingrowth of tissue. (Col. 6, lines 5-8). The MacGregor reference also does not discuss anything to do with the lead body. Accordingly, the combination does not include “a lead body adapted such that a layer of blood cells is formed on the outer surface when exposed to a bloodstream,” as recited in claim 1.

Claims 5, 7, 9, and 10 include each limitation of their parent claim and are also not obvious in view of the cited references. Reconsideration and allowance is respectfully requested.

Claims 11-16

Applicant believes claim 11 is not obvious in view of the cited references since the combination does not include or suggest each limitation recited in the claim. For instance, Applicant cannot find in the combination: wherein the lead body has a textured outer surface adapted to form a layer of blood cells on the outer surface when exposed to a bloodstream so as to passively prevent formation of clots on the outer surface, as recited in claim 11.

As discussed above, the references, both singly, and in combination do not include such subject matter.

Claims 12-16 include each limitation of their parent claim and are also not obvious in view of the cited references. Reconsideration and allowance is respectfully requested.

Claims 17 and 18

Applicant believes claim 17 is not obvious in view of the cited references since the combination does not include or suggest each limitation recited in the claim. For instance, Applicant cannot find in the combination: wherein means for passively preventing clots on the lead body includes forming the lead body such that a layer of blood cells is formed on an outer surface of the lead body when exposed to a bloodstream, as recited in claim 17.

As discussed above, the references, both singly, and in combination do not include such subject matter.

Claim 18 includes each limitation of its parent claim and is therefore also not obvious in view of the cited references. Reconsideration and allowance is respectfully requested.

CONCLUSION


Applicant respectfully submits that the claims are in condition for allowance, and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant's representative at (612) 359-3267 to facilitate prosecution of this application.

If necessary, please charge any additional fees or deficiencies, or credit any overpayments to Deposit Account No. 19-0743.

Respectfully submitted,

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Date September 8, 2009

By 
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CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being filed using the USPTO's electronic filing system EFS-Web, and is addressed to: Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on this 8th day of September, 2009.

Nellie Nuhring
Name


Signature